

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MOHAMED JOHN AKHTAR and LA BUCA  
RESTAURANT, INC. d/b/a SWING 46 JAZZ  
AND SUPPER CLUB,

Plaintiffs

-against-

23-CV-6585 (JGLC) (VF)

ERIC M. EISENBERG and JOHN AND JANE  
DOES ONE THROUGH THIRTY,

Defendants

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**DECLARATION OF ERIC M. EISENBERG IN SUPPORT HIS MOTION TO DISMISS  
AMENDED COMPLAINT PURSUANT TO RULES 12(B)(1), 12(B)(2), 12(B)(5), 12(B)(6)  
AND 12(B)(7)**

1. I, Eric M. Eisenberg, affirm, including but not limited to pursuant to CPLR 2106, this 3<sup>rd</sup> day of April, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the statements herein are true and correct, and I understand that this document may be filed in an action or proceeding in a court of law.
2. Attached as Exhibit 1 hereto are true and correct printouts of images of six citizen-issued noise summonses, as retrieved by me on March 30, 2025 from OATH's public ECB Ticket Finder, which is available at <https://a820-ecbticketfinder.nyc.gov/>
3. Attached as Exhibit 2 hereto are true and correct printouts of OATH's webpage indications of the status of the six citizen-issued noise summonses referenced above, indicating, *inter alia*, that all six have a "Status of Summons/Notice" of "DEFAULTED", again as retrieved by me on March 30, 2025 from OATH's public ECB Ticket Finder, which is available at <https://a820-ecbticketfinder.nyc.gov/>

Dated (and executed in):  
April 3, 2025 (Miami, Florida)

Respectfully submitted,

s/ Eric Eisenberg  
ERIC M. EISENBERG  
(646) 801-6705  
1300 South Miami Avenue  
Unit 1408  
Miami, FL 33130  
[ericeis@gmail.com](mailto:ericeis@gmail.com)